

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

JUAN MENDEZ, ET AL.,

Plaintiff(s),

v.

PUERTO RICAN INTERNATIONAL  
COMPANIES, INC., ET AL.,

Defendant(s).

CIVIL NO. 2005/174 F/C

JURY TRIAL DEMANDED

**AFFIDAVIT OF SHAWN SMITH**

**TERRITORY OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

)  
)  
)

**SS.**

I, Shawn Smith, being first duly sworn, declare under penalty of perjury that the following is true and correct.

1. I make this affidavit of my own personal knowledge.
2. My date of birth is April 30, 1976 and my place of birth is St. Croix, Virgin Islands and I am a black West Indian.
3. I was hired to work for PIC in May, 2004 as a Rigger at a rate of \$18.00 per hour at six days a week, sometimes seven days a week at a maximum of ten hours per day. I averaged 20 hours per week in overtime. I was terminated in October, 2004.
4. I was discriminated against by Bobby Sawyer of P2S with the knowledge of PIC that was my co employer with P2S, while standing together with Michael Bynoe and he stated "I don't want to work with those colored boys". There was another instance when I was at the tool room with Mark Vitalis and Bobby came in to the area and

1 Civil No. CIVIL NO. 2005/174 F/C

**AFFIDAVIT OF SHAWN SMITH**

Page 2

stated, "What, you niggers don't want to work today"? Bobby continued on with his racial taunts until I confronted him one day and told him to refer to me by my name which is Shawn Smith or call me Mr. Smith but don't refer to me as "boy". Bobby would just look at me with a smirk and turn away without responding or at other times would just walk away laughing. Notwithstanding my admonition to him to stop making references to me as "boy" or "nigger", Bobby Sawyer continued with his racial slurs and comments with the knowledge of PIC.

5. Not getting any favorable resolution concerning the racism and racial remarks being made to me I complained to my Foreman, Orlando Pagan of PIC, and addressed my concerns to him in the hopes that he would be able to address them. Orlando Pagan then told a Manager of PIC, Juan Mendez, about my complaints and they both went collectively to Hovensa's, Alex Moorehead to address the concerns of racism. After the meeting with Hovensa nothing was resolved the situation continued to get worse and rapidly deteriorated to the point of the local West Indian workers being terminated.
6. I learned of the vacancies with PIC thru Juan Mendez someone that I knew before from working in the refinery with Bechtel Int'l.
7. I learned from Felipe Figueroa who was a Crane Operator working for PIC that one day they came to him and stated there was no more work for him and he was sent home only to be replaced with white males from the states.

1 Civil No. CIVIL NO. 2005/174 F/C  
**AFFIDAVIT OF SHAWN SMITH**  
Page 3

8. There are different classes of Riggers, A, B and C, I was in the B classification. I continued to ask to take the test to get into the A category but PIC never recommended me to take the test preventing me from getting promoted.
9. When I was terminated I had a case with Paternity and Child Support which involved my three children. I fell behind in my support payments which added additional arrearages to my balance. I had car note payments that I fell behind on as a result I had to sell the car when I had no foreseeable means to pay the loan. I was in a rent to own a home agreement where I put down \$13,000.00 as a down payment and paid monthly towards the principal of the balance I could not continue in the agreement and lost the down payment. I had a fiancé and her son that I was responsible for their daily needs financially which I could not keep up with after my termination. As a result I had to move in with my mom and could not take care of my responsibilities as the head of the household. I could not move my fiancé in my mom's house and eventually lost my relationship. This caused a tremendous amount of depression for me. I had a lot of sleepless nights over the fact that due to my job loss I lost my relationship as well, something that you cannot put a dollar figure to. I did not get other employment until 2 years and 3 months later.
10. I felt a tremendous amount of rage and wanted to get physical about being called a "boy" and a "nigger", but because I needed to work to support myself and family I had to continue to endure the blatant discrimination.
11. I lost \$13,000.00 in down payments.
12. I lost \$136,080.00 in wages.

1 Civil No. CIVIL NO. 2005/174 F/C

**AFFIDAVIT OF SHAWN SMITH**

Page 4

13. The reasonable value of the mental anguish, loss of enjoyment of life, humiliation that I suffered by being discriminated against and terminated for complaining about being discriminated against and my wrongful discharge is \$100,000.00.

Dated: 4/17/15

  
Shawn Smith

**SUBSCRIBED AND SWORN TO** before me  
on this 17 day of April 2015.

  
NOTARY PUBLIC

YVONNE V. STANLEY  
Notary Public  
St. Croix, U.S. Virgin Islands  
NP-16-15  
My Commission Expires February 13, 2019